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Discussion on the special theme for the year: " Indigenous peoples: Development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples"

Human rights: implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Information received from Governments

Mexico

Summary

The present report contains a statement by the Government of Mexico on the measures taken or envisaged in response to the recommendations made by the Permanent Forum on Indigenous Issues.

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1. The development of indigenous peoples is a priority for Mexico that involves the coordinated action by the three levels of government, through the National Commission for the Development of Indigenous Peoples (CDI).[1]

I. Recommendation on the impact of the migration of indigenous peoples[2]

2. Since 21 May 2003, the National Institute of Indigenous Affairs, now called the National Commission for the Development of Indigenous Peoples has, with the support of the United Nations Development Programme (UNDP), been conducting studies to track the movement of the indigenous population in the country, their presence in the cities, their migration to the neighbouring country to the north as well the changing ethnic make-up of the human settlements along the southern border.

3. The Government is of the view that individuals may migrate voluntarily for different reasons which are not necessarily related to violent conflicts. The literature on the subject has identified other important problems associated with migration, two of the most significant of which are:

- The violation of the human and labour rights of indigenous migrant people in the areas of transit and areas of destination;
- The impact of migration in the areas of origin, including issues such as the break-up of families or changes in behaviour brought about by "new" cultural patterns at host destinations, resulting in a reassessment of the sense of belonging to the indigenous peoples and communities, reassessment which always results in a greater sense of alienation.

4. The studies on indigenous migration have identified six problems in the areas of origin of migrants:

(a) The social and cultural impact on families and communities of the changed economic patterns with the transition from a peasant to a market economy;

(b) Excessive sub-division of land and deterioration of natural resources;

(c) Unemployment and lack of economic alternatives;

(d) Fall in the prices of the main agricultural crops, including coffee, sisal, sugar, tobacco, cocoa and tomatoes;

(e) Down time in the agricultural cycle;

(f) Lack of basic social services, including health care, education and infrastructure.

5. In 2009, CDI carried out studies on indigenous migration, including the following:

- Trends in current indigenous migration;

[1] The annual report on the activities undertaken in 2009 will be published in March 2010 and will be posted on the CDI website: www.cdi.gob.mx.

[2] E/2009/43, para. 30.

- Permanent settlements of indigenous populations around agro-industrial and tourist areas of Sonora;
- Migrant indigenous children in Sonora. Identification of areas of institutional focus.

6. The aim of CDI under its Project for Assistance to Displaced Indigenous Peoples is to work hand in hand with federal, state and municipal governments to assist indigenous populations displaced as a result of violence, armed conflict, human rights violations, or religious, political, cultural or ethnic intolerance, to resettle or return to their home areas, while ensuring that their cultural diversity will be fully respected. As part of the project, 157.7 million Mexican pesos have been invested since 2006 in purchasing building materials, farm land and plots of land in urban areas, and inputs for gainful activities to assist 2,043 displaced indigenous families to relocate or return to their home areas in the states of Chiapas, Guerrero, Hidalgo, Jalisco, Nayarit and Oaxaca.

II. Recommendation on the creation of indigenous language and cultural studies centres[3]

7. In Mexico the main bodies responsible for monitoring the implementation of the indigenous peoples' right to education are: the Coordinating Office for Intercultural Bilingual Education and the General Directorate for Indigenous Education, both under the Ministry of Public Education; the National Institute of Indigenous Languages (INALI); and CDI.

8. The National Programme for the Development of the Indigenous Peoples for the period 2009-2012[4] sets forth strategy 2.7 to promote, as provided by relevant legislation, access by the indigenous children and youth of the country to quality and culturally relevant education and to promote the concept of multiculturalism in the entire national educational system. Introducing multiculturalism into all levels and structures of education is one of the biggest challenges facing the country.

9. There are currently two university programmes:

(a) Bilingual degree in multicultural primary education. Its goal is to train people who are able to provide quality education, while being fair and sensitive to cultural diversity. The training requires promoting indigenous languages as a means of communication, instruction and subject of study in order to develop oral and written communications skills in both the indigenous languages and Spanish, as well as to restore the status of indigenous languages in school and in society. This degree programme is open to both students from indigenous communities with varying degrees of command of their native tongues and non-indigenous students. The programme, which covers 31 indigenous languages, is currently offered at 18 teacher training colleges located at Oaxaca, Guerrero, Chiapas, Michoacán, Campeche, Hidalgo, Baja California Sur, Veracruz, Puebla, Quintana Roo, San Luis Potosí, Yucatán, Sinaloa and Sonora. It should be noted that the programme has already been accredited by the Ministry of Public Education.

[3] E/2009/43, para. 86.

[4] Published in the Diario Oficial on 4 December 2009.

(b) Multicultural universities. This model aims at identifying culturally relevant career paths for indigenous and non-indigenous adolescents from various social backgrounds who are interested in pursuing higher education and are committed to promoting the advancement of indigenous peoples and the development of neglected rural areas. It requires reorienting the curriculum offered by the existing institutions of higher learning to tailor them to the areas of concern of the indigenous populations and rural areas. It provides avenues for training in the cultural identity of the peoples of Mexico and offers subject options geared towards the promotion of the cultural and regional development of Mexico and expands course offerings, thereby opening up prospects for training in the cultural identity of the peoples of Mexico and thus promoting regional development.

10. The nine indigenous universities established to date are located in the states of México, Chiapas, Tabasco, Puebla, Veracruz, Michoacan, Guerrero, Sinaloa and Quintana Roo; they are currently attended by some 5,684 students, the majority of whom hail from indigenous communities. These new universities have permitted the enrolment of a significant number of native women from those areas (they currently number 3,050 and account for 53.6 per cent of student enrolment) who are given an opportunity for self-advancement that they would not have had had these new institutions been located in areas far from their home regions. The courses are geared to the conservation and development of 31 national indigenous languages.

11. The development of indigenous universities requires education from a very early age. The indigenous school shelters and canteens component of the indigenous boarding school programme helps to keep indigenous girls, boys and youths enrolled in schools under the Ministry of Education, by providing discrete levels of attention, with priority being given to those with no educational options in their community. Community initiatives to promote access by indigenous youth to basic, middle and higher education and encourage them to stay in school and finish their studies are strengthened and supported.[5]

12. Indigenous boarding schools are crucial to the education of children, since they have a direct impact on their physical development through the provision of meals and provide them with safe accommodation and appropriate support, making for a more conducive study environment. While the services provided need to be improved substantially, they do have an appreciable impact in ensuring that children are enrolled and remain in school; indeed, the low failure and drop-out rates demonstrate that this programme is achieving its overall objectives.

13. In 2009, awareness-raising courses entitled "Sharing through sports"[6] were organized for heads of shelters and beneficiaries in the states of Chiapas, Guerrero, Nayarit and Oaxaca to familiarize them with the Millennium Development Goals. Workshops on the human rights status of childhood and the handling of emergency situations, coordinated by the United Nations Children's Fund (UNICEF), were also held for heads of boarding schools in Yucatan, Quintana Roo and Campeche.

[5] In 2009 CDI had an amended annual operating budget of 745,417 Mexican pesos to provide for an average of 60,000 boys and girls in boarding schools and 9,242 adolescents in community hostels under the Programme.

[6] CDI organized this activity jointly with the Ministry of Social Development.

III. Development of culture and identity: articles 3 and 33 of the United Nations Declaration on the Rights of Indigenous Peoples

14. The National Programme for the Development of the Indigenous Peoples for the period 2009-2012 sets out the objectives, indicators, goals, strategies and actions through which the Federal Government promotes development with identity, namely development that is sensitive to, and recognizes, the culture, languages and rights of the country's indigenous individuals, peoples and communities and is fully consistent with both the National Development Plan for the period 2007-2012 and the Federal Government's strategy for living better.

15. The National Programme for the Development of the Indigenous Peoples was developed from information obtained from the 57 regional forums held with indigenous peoples in early 2007 as part of the consultations for the preparation of the National Development Plan and the proposals made by the CDI advisory council.

16. The fundamental principle of the Programme for the Development of the Indigenous Peoples is article 2, paragraph (b), of the Political Constitution of the United Mexican States, which provides that the institutions of the Mexican State, at the three levels of government, are responsible for overcoming the economic and social backwardness and ensuring the comprehensive and sustainable development of the indigenous peoples and communities.

17. On the basis of the foregoing, and in the belief that all institutions are mandated by law to take a culturally sensitive approach to the needs of the indigenous peoples in their respective areas of competence, CDI convened a meeting of federal agencies and entities in late 2007 to participate in the development of strategies and lines of action for this Programme.

18. Development with identity for the indigenous peoples and communities is the underlying principle of policies with respect to indigenous peoples' issues implemented by the Federal Government. To that end, CDI has defined four strategic objectives: (a) promoting the sustainable human development of peoples and communities; (b) fostering a wider use of consultations as a tool in defining Government actions and programmes; (c) ensuring that the rights of indigenous peoples are exercised in keeping with the relevant legislation; and (d) enhancing multicultural dialogue while safeguarding cultures and traditions.

IV. Obstacles to the implementation of the Permanent Forum's recommendations

19. Unlike the reports of other sessions, the report of the eighth session made recommendations that were more focused on the issues addressed, including with respect to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. As a result, Mexico was able to highlight those rights with respect to which important action had been taken and significant achievements had been recorded and which had heretofore not been reported on.

20. Mexico welcomes the effort made by the secretariat of the Permanent Forum, which identified recommendations addressed specifically to Member States.[7]

V. Facilitating factors for the implementation of the Permanent Forum's recommendations

21. As noted in Mexico's 2009 report, our country has viewed cooperation and coordination with United Nations agencies, programmes and funds based in Mexico as an opportunity for advancing the implementation of the recommendations made by the Permanent Forum and implementing the United Nations Declaration on the Rights of Indigenous Peoples.

22. In 2009, Mexico cooperated with UNICEF and UNDP in the following areas:

- Signing of a framework cooperation agreement between CDI and UNICEF, the purpose of which is to lay the foundation for the development of joint cooperation activities that will contribute to better designed public policies and promote community participation in activities benefiting children (26 August 2009);
- Preparation of the report on the human development of the indigenous peoples of Mexico, the updated version of which will be ready in March 2010.[8]

VI. Specific laws, policies or other similar tools to address indigenous peoples' issues in Mexico (unless already mentioned in previous responses)

23. As set out in the National Programme for the Development of the Indigenous Peoples for the period 2009-2012, the national legal framework must take account of the collective indigenous rights enshrined in the Political Constitution of the United Mexican States. To that end, the National Commission for the Development of Indigenous Peoples (CDI) has contributed legal opinions to support legislative efforts at the federal and state levels, with a view to raising the awareness of legislators and civil servants regarding indigenous rights and providing them with the information needed to guide their work.

24. In 2008, 47 bills designed to reform the federal legal framework in areas critical to the advancement of indigenous peoples were submitted to the Congress of the Union. One of them resulted in a Decree amending and adding various provisions to the General Act on Ecological Balance and Environmental Protection, aimed at strengthening voluntary land certification, which was published in the Diario Oficial on 16 May 2008.

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[7] See www.un.org/esa/socdev/unpfii/documents/8th_Session_Recommendations_to_States.pdf.

[8] The overall goal of this report is to estimate the municipal human development index and develop various human development indicators that can be used to analyse the well-being of the indigenous population as compared to that of the non-indigenous population. Another goal is to determine whether there is a provision under the federal budget for an increased allocation of funds for the indigenous population.

25. The bills deal with issues such as: enforcing indigenous peoples' right to decent housing; promoting bilingual and multicultural education in indigenous regions through the use of books in indigenous languages; furthering the knowledge and respect of indigenous cultures; recognizing indigenous peoples and communities as subjects of public law, and recognizing their right to be consulted, thereby guaranteeing free, prior and informed consent; in the case of indigenous accused persons, enforcing the obligation of the authorities responsible for enforcing and administering justice to assign to them public defenders who are fluent in and familiar with their language and culture; setting up a sub-fund to improve and expand the educational infrastructure in indigenous areas; incorporating provisions into the Agrarian Act on the regulation of lands and territories of indigenous communities and promoting access to agrarian justice in their own languages; recognizing indigenous territories as a new category of territorial administration; recognizing indigenous and rural midwives as maternal and infant health-care providers, by considering their work as a social service; allowing the use in rituals and ceremonies of endangered species of wild flora and fauna; giving Congress the power to legislate the recognition of copyrights and patent rights, and the protection and dissemination of traditional indigenous knowledge; allowing the operation and/or direct administration of artistic monuments, and historical and archaeological sites for the benefit of the indigenous communities established in those areas; the visible use of indigenous languages in public places, nomenclature and official notices; enacting general legislation on the system of indigenous consultation and making consultation-related amendments to the CDI Act; giving indigenous peoples and communities access to broadcast media; ensuring that national political parties guarantee the participation of men and women representing the indigenous population in electoral districts where they account for 40 per cent or more of the total population through nominations to elected office in the Congress of the Union, whether election is by relative majority or proportional representation; amending the General Act on Women's Access to a Life Free From Violence with regard to the timing and grounds for issuing a gender violence alert, and the provision of sufficient resources to guarantee women a life free from violence.

26. In 2009, the following initiatives were noteworthy:

- draft decree amending the Federal Civil Code and the General Act on the Linguistic Rights of Indigenous Peoples;
- progress report on the draft decree amending article 32 of the Act on the Protection of the Rights of Children and Adolescents;
- draft decree amending the CDI establishment Act.

27. These legislative efforts reflect the willingness and commitment of the State of Mexico to harmonizing its national legal framework with respect to indigenous rights and culture, by incorporating the contents of international legal instruments and the rights recognized under the Political Constitution of the United Mexican States.

VII. National institution as a focal point on indigenous issues

28. As indicated in previous reports, the Government of Mexico has established CDI, a decentralized non-sectoral body of the Federal Civil Service. It has legal personality and its own assets, operating, technical, budgetary and administrative autonomy; its headquarters are in Mexico City, and it is tasked with guiding, coordinating, promoting, supporting, encouraging, monitoring and evaluating programmes, projects, strategies and public actions for the comprehensive and sustainable development of indigenous peoples, pursuant to the provisions of article 2 of the Political Constitution of the United Mexican States.

29. The CDI governing body is its governing board; it has a Director General to represent its administrative body and an Advisory Council, which provides advice on indigenous peoples' issues and serves as a liaison with the wider society.

30. The Commission operates in 24 states of Mexico through 103 coordination centres for indigenous development, 1,072 functioning indigenous boarding schools, and 20 AM radio stations and 4 experimental FM stations belonging to the System of Indigenous Culture Radio Stations.

31. On 23 December 2009, President Felipe Calderon Hinojosa, appointed Mr. Xavier Abreu Sierra as the new Director General of CDI; he took up his post on 1 January 2010.

VIII. Regular capacity-building programme on indigenous issues for national civil service staff

32. Since 2007, the Government of Mexico, through CDI and INALI, has promoted the Strategy for the Training and Accreditation of Interpreters of Indigenous Languages in the areas of law enforcement and administration of justice, in the states of Guerrero, Chihuahua, Oaxaca — in the regions of Istmo de Tehuantepec and Mixteca — Veracruz and Yucatán. This Strategy is being implemented in coordination with many federal and local institutions in each of the aforementioned states.

33. The Strategy's objective is to guarantee the effective enjoyment of the rights of the country's indigenous population as recognized in article 2 of the Constitution, particularly with respect to their right to full access to the justice system, which is also provided for in article 12 of the Convention concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169), and in article 13, paragraph 2, of the United Nations Declaration on the Rights of Indigenous Peoples.

34. The national legislation reproduces the provisions of the Constitution and international law in a number of laws and codes. Article 15 of the Federal Code of Criminal Procedure establishes that, in proceedings involving persons belonging to an indigenous people or community, those persons must be assigned interpreters and counsel who are familiar with their language and culture, and proof of such assistance must be documented in the record of the proceedings. Likewise, article 18 of the Code provides that in situations involving persons belonging to an indigenous people or community, the interpreter must not only be fluent in the language, but must also be knowledgeable about the practices and customs of those persons.

35. As part of the Strategy, INALI has launched a project to establish a national register of interpreters and translators of indigenous languages, a critical step towards ensuring that indigenous persons involved in legal proceedings have access to interpreters and translators.

36. The following table contains the results of the implementation of the Strategy.

Federal entity	Year	Participants	Accredited students	Mother tongue of students' parents
Guerrero	2007	26	24	Amuzgo, northern
				Mexicano, Guerrero
				Mixteco, Allamanalcingo
				Mixteco, Cochoapa
				Mixteco, mid-eastern Guerrero
				Mixteco, San Luis Acatlán
				Mixteco, Tlacoachistlahuaca
				Mixteco, Tlalixtaquilla
				Tlapaneco, lower central
				Tlapaneco, southwestern
Oaxaca-Istmo	2008	38	31	Huave, western
				Lower Mixe
				Mixe, mid-eastern
				Zapoteco, lower Istmo mountains
				Zapoteco, coastal plains
				Zapoteco, Petapa
				Zoque, western
Oaxaca-Mixteca	2008	32	29	Chochoiteco, southern
				Mixteco, central
				Mixteco, Puebla-Oaxaca border
				Mixteco, lower central coast of Oaxaca
				Mixteco, central-western
				Mixteco, San Mateo Peñasco
				Mixteco, northeastern highland
				Mixteco, lower northern
				Mixteco, higher western
				Mixteco, lower southern
				Mixteco, middle southern
				Mixteco, southwestern
				Mixteco, central southwestern
				Higher Triqui
				Lower Triqui

Federal entity	*Year*	*Participants*	*Accredited students*	*Mother tongue of students (variants)*
				Middle Triqui
				Triqui, San Juan Copala
Chihuahua	2008	39	10	Pima, southern
				Tarahumara, central
				Tepehuano, northern
				Totonaco, coastal
Veracruz	2009	39	Under evaluation	Totonaco, south-central
				Totonaco, higher central
				Tenek, central
				Otomi
				Tepehua, Tlachichilco
Yucatán	2009	37	Under evaluation	Maya

Source: CDI, Planning and Advisory Unit, January 2010.

IX. Information regarding the promotion and implementation of the United Nations Declaration on the Rights of Indigenous Peoples

37. As reported to the Permanent Forum last year, since the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the United Nations General Assembly, Mexico has launched a number of activities to publicize its contents, including the dissemination of the Declaration's substantive articles through the CDI System of Indigenous Culture Radio Stations and the publication of a pocket edition. Similarly, the translation of those articles into indigenous languages was carried out as a joint initiative by CDI; INALI; and the offices in Mexico of UNDP, the United Nations Information Centre, the Office of the United Nations High Commissioner for Human Rights and the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean.

38. The following 18 indigenous languages have been translated so far: Ch'ol; Chinanteco, northern; Huasteco, western; Maya; Mayo; Mazahua; Mazateco, central; Mexicano, Huasteca Hidalguense; Lower Mixe; Náhuatl, Istmo; Purépecha; Totonaco, coastal; Tseltal; Tsotsil; Zapoteco, coastal plains; Tarahumara, central; Tlapaneco, southwestern; and Tojolabal.

39. Translations should become available in 2010 for: Amuzgo; Popoloca, highlands; and Zapoteco, central coastal.

40. In an international cooperation effort by CDI and UNDP, the distribution of translations of the Declaration was combined with dissemination workshops for the indigenous peoples and communities of Mexico. During the period from April to December 2009, workshops were held in the cities of Mérida and Felipe Carrillo Puerto in the state of Quintana Roo, for indigenous women in leadership positions in their communities and lawyers who defend the rights of indigenous peoples,

including gender rights, as well as for indigenous youth in Cuetzalan, Puebla; Etchojoa, Sonora; and Tuxtla Gutiérrez, Chiapas.

41. One of the most recent initiatives was the presentation of a report entitled *State of the World's Indigenous Peoples* at the United Nations Information Centre in Mexico City on 14 January 2010. The new Director General of CDI, Xavier Abreu Sierra, highlighted the importance of implementing the Declaration and noted that the consultation and participation of indigenous peoples and communities must serve as guiding principles for their own development, as established in articles 18 and 19 of the Declaration.

42. The presentation of the report was accompanied by the screening of a short film entitled *El Camino de Sabina*, produced jointly by the offices in Mexico of UNIC, UNDP, OHCHR, as well as INALI and CDI. The short film is a joint initiative to promote the rights of indigenous peoples under the United Nations Declaration on the Rights of Indigenous Peoples.